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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,138	03/17/2005	Francis Roy	5001-1211	2310
466	7590	08/11/2006	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			RODRIGUEZ, RUTH C	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,138	<b>Applicant(s)</b> ROY, FRANCIS	
	<b>Examiner</b> Ruth C. Rodriguez	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/17/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 17 March 2005 has been considered by the examiner for this Office Action.

### **Claim Objections**

2. Claims 1 and 2 are objected to because of the following informalities:
  - Claim 1 recites the limitation "the action" between the second and third lines, "the external ends" between the third and fourth lines, "the lateral faces" in the fourth line, "the end" in the fifth line, "the external ends" in the eleventh line and "the external faces" in the fifteenth line. There is insufficient antecedent basis for this limitation in the claim.
  - Claim 3 recites the limitation "the end tips" in the first line. There is insufficient antecedent basis for this limitation in the claim.
  - Claim 5 recites the limitation "the longitudinal axis" in the third line. There is insufficient antecedent basis for this limitation in the claim.
  - Claim 7 recites the limitation "the action" and "the return spring" in the second line, "the external ends" in the third line and "the lateral faces" between the third and fourth lines. There is insufficient antecedent basis for this limitation in the claim.

- Claim 8 recites the limitation “the external lateral faces” between the fourth and fifth lines and “the external ends” in the sixth line. There is insufficient antecedent basis for this limitation in the claim.
- Claim 9 recites the “the external ends” in the third line. There is insufficient antecedent basis for this limitation in the claim.
- Claim 9 recites the limitation “a hinge pin” in the third line. This is considered a double inclusion since a hinge pin was already recited in claim 8. Please correct to “the hinge pin” or to “a second hinge pin”.
- Lines 1-4 of claim 1 should be deleted since these lines are not providing any structural limitations to the claim.

Correction is required.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by International Patent Document WO 93/1486 (WO '486).

A fastening member (10,11,17) fitted with two lugs defining between one another a space intended to receive a hinge pin (3,6,8) (Figs. 3 and 4). Each one of the lugs

comprises an axial recess (7) leading to the space comprised between the lugs (Figs. 3 and 4). The axial recess is extended towards the external lateral faces of the lugs by a hole (from 7 to the outside of the lugs) housing endstones (11) mounted in a sliding manner in this recess and bearing a push button (10) attached to the external ends of the endstones (Figs. 3 and 4). Each lug comprises on its external lateral faces a protrusion (when the push button is being depressed as shown in Fig. 3).

A lateral and oblique guiding cut (20) as well as a central recess is intended to house the external ends of the pivots of a hinge pin (Figs. 3 and 4).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO '486.

WO '486 discloses a device for fastening a watch case (1) comprises a fastening element (10,11,17) attached or integral to the end of a case provided with two lugs defining between one another a space intended to receive a hinge pin (3,6,8). Each of these lugs comprises an axial recess (7) leading to the space comprised by the two lugs. The axial recess is extended towards external lateral faces of the lugs by a hole

(extending from 7 to the outside) housing an endstone (11) mounted in a sliding manner in this recess and bearing a push button (10) attached to the external ends of the endstones (Figs. 3 and 4). The hinge pin comprises on its lateral faces an annular housing having a groove defining an advantageous orientation (Figs. 3 and 4). This annular housing is intended to cooperate with a protrusion (18) located on the internal faces of the lugs (when the push button is being depressed as shown in Fig. 3). WO '486 fails to disclose that the device is provided for a watch strap instead of being provided in a watch case. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to provide the device for the watch strap instead of providing it in the watch case because it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

The endstones are mounted slidably in end tips that are attached into the recesses of the lugs and comprise the holes extending the recesses in order to house an external part of the endstone (Figs. 3 and 4).

The end tips are comprised with two parts (Figs. 3 and 4). An internal part receives a second return spring (17) and an external part of the endstone is used as a housing for the push button (Figs. 3 and 4).

Each endstone is subject to the action of a second return spring tending to outwardly push the push button (Fig. 4).

The protrusions are located on the internal faces of the lugs (Figs. 3 and 4). Each comprises a guiding cut (20) and aligned on the longitudinal axis of the axial

recesses and a central recesses intended to house the external ends of the pivots (Figs. 3 and 4).

The guiding cuts are formed in the protrusions on their external face in the axis of the strap, respecting the advantageous orientation defined by the groove on the annular housing (Figs. 3 and 4).

WO '486 discloses a watch strap comprises a hinge pin (3,6,8) integral with the watch case in which two pivots (6) slide subject to an action of a return spring (8) tending to separate them. The external end of the pivots emerges from the lateral faces of the hinge pin (Figs. 3 and 4). The hinge pin comprises on its lateral faces an annular housing having a groove defining an advantageous orientation (Figs. 3 and 4). WO '486 fails to disclose that the hinge pin is provided in a watch case instead of being provided in a watch strap. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to provide the hinge pin for the watch case instead of providing it in the watch strap because it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gaylord (US 2,870,509 and US 2,992,467), Gay (US 4,716,631), Howald (US 6,014,793), Wild (US 6,401,307 B1), Nussbaum (US 6,923,593 B2), European Patent Document EP 0 133 068 A1, Swiss Patent Document CH 664 663 G A3, International Patent Document WO 93/10486, British Patent Document UK 2 264 628 A and UK 2 297 236 A and French Patent Document FR 2 743 641 are cited to show state of the art with respect to hinge pins having similar features to the ones being claimed in the current application and some having a fastening system for used with the hinge pins.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee



Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

(Typed or printed name of person signing this certificate)

(Signature)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
August 7, 2006

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**